



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,327	06/27/2002	Ashley Thomas Beighton	1085-039--PWH	5837

21034 7590 09/02/2003

IPSOLON LLP
805 SW BROADWAY, #2740
PORTLAND, OR 97205

EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,327

Applicant(s)

Brighton Ashley

Examiner

Chapman

Art Unit

3635

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/5/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-66 is/are pending in the application.
- 4a) Of the above, claim(s) 63-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-48, 51-55, 58-62, 66 is/are rejected.
- 7) ☐ Claim(s) 49, 50, 56-57 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

Art Unit: 3635

Applicant elected Group I in paper number 10, filed 6/5/03. Claims 40-62 and 66 will therefore before an examination on the merits. Claims 63-65 of Group II has therefore been withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 40-42, 51-55, 58-59, 62, 66 are rejected under 35 U.S.C. 102(b) as being anticipated by Sing (4766708). Sing discloses a a building structure comprising:

- a support module 22/24/26;
- a plurality of enclosed room modules 42 being independently attachable to and cantilevered from the support module; the room modules are horizontally spaced apart from one another; See figure 1 and column 3, lines 15-35;
- the room module is formed from panels 62/64 linked without a supporting frame; also see figure 3;
- the room modules include internal partitions to define one or more room in each module; see column 3, lines 1-35 and column 4 lines 1-35;
- Each room module includes at least one window or door aperture;

Art Unit: 3635

- The room module comprises a chassis 52 defining a volume; the chassis 52 having an attachment means shown in figures 4-6 to cooperate with the spaced apart attachment means on the chassis 44 of the support module 22; the panels 62/64 are provided between the members of the chassis to provide floor, walls and ceiling; see column 4, lines 1-35; the chassis of the room mole is constructed from upper and lower members rigidly connected by upright members by not braced by diagonal members; see figure 8;
- Circulation passages having access to each module; see figure 3 and annotations on patent copy;
- A further support module is attachable on top of another module to provide a further story of the building structure or attachable to another module in a side by side relationship. See figure 1 and column 3, lines 1-35

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3635

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 43-48, 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over the above base reference in view of Clark (4854094).

Sing lacks the cladding around the building structure and supported by the foundation.

Clark shows cladding 70 attached around the building structure and supported by the foundation 25. The cladding is attached to and supported by the roof 33 and the room module. See figures 2 and 7 and accompanying text; specifically column 3 lines 1-20 and column 7, lines 25-50.

Anything can be removed or disconnected or de-mounted as one so desires. Further, Sing discloses removable wall panels.

Clark further discloses spaced room modules which may be supported by box 69/support module. The support module 69 supports a roof structure which covers the support module and each room module; the roof structure is spaced apart from the adjoining room module. See figure 2. Clark also shows a foundation structure underlying the support module 43/69. The foundation is spaced apart from the room modules and has a main portion 43 upon which the support module sits. The foundation is constructed of concrete and each stabilizing structure 43 underlies one or more room modules and is spaced apart from the adjoining room module.

Clark also discloses the building structure with services as recited in claim 60. See column 5, lines 20-30.

Art Unit: 3635

One of ordinary skill in the art would have appreciated wall panels with aperture or without in order to accommodate the room module to provide for its intended purpose and function

It would have been obvious to one of ordinary skill in the art to modify Sing to include the roof, the foundation, the service and the cladding supported by the foundation/room modules in order to support, fully furnish and to protect the building structure in times of rough inclement weather.


ALLOWABLE SUBJECT MATTER

Claims 49, 50, 56-57 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Chapman whose telephone number is (703) 308-1310. The examiner can normally be reached on Mon. Through Friday from 8:30 to 5:00, except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687/3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


JEANNETTE E. CHAPMAN
PRIMARY EXAMINER
GROUP 2400

